

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38640 of 2015

Arising Out of PS.Case No. -21 Year- 2015 Thana -MAHILA PS District- JAMUI

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Balmiki Kumar @ Balmiki Yadav Son of Rajo Yadav Resident of Village-
Manjhiyani, Police Station Khaira, District Jamui.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rekha Devi Daughter of Arjun Yadav Resident of Village-Ghodwa
salan, Police Station Charka Pathar,(Sono), District Jamui.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar

For the Opposite Party/s : Mr. Indra Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

11/ 15-12-2016

Heard learned counsels for the petitioner,
State and the opposite party no. 2-complainant.

The petitioner is apprehending his arrest in
a case registered for the offences punishable under Sections
498A, 341, 323, 504, 506/34 of the Indian Penal Code and
section 3/4 of the Dowry Prohibition Act.

The prosecution case is that the informant
claims to have married ten years prior to the lodging of the case
but after three years of the marriage she went to her in-laws
house but thereafter torture was inflicted for demand of one lakh
rupees and a motorcycle. Thereafter, the grand father of the
informant transferred a plot of land in favour of the mother of



the petitioner but thereafter also the torture persisted and ultimately on 11.04.2015 the informant was driven out from her matrimonial house and thereafter she came back to her parents' house.

It is submitted by learned counsel for the petitioner that the petitioner denies the factum of marriage as per the FIR. The marriage claims to have performed in 2005 when both the petitioner and the informant were minor. In the FIR the last accusation is dated 11.04.2015 when the informant was assaulted and attempt was made on her life whereas in Maintenance Case NO. 52M of 2015 filed on 21.04.2015 wherein it has been stated that the informant was residing with her parents since January, 2014 which substantially demolishes the accusation levelled in the FIR. The petitioner has filed Matrimonial Suit No. 94 of 2015 on 03.08.2015 after filing of the present FIR with a prayer for declaring the marriage null and void. In the circumstances, the petitioner is not ready to keep the informant, at present, but ready to make payment of some monthly amount for the welfare of the informant.

It is submitted by learned counsel for the informant that the informant is still ready to resume the conjugal life and she is not ready to compromise the issue on any other



terms except resuming the conjugal life.

In the circumstances, it appears that the reconciliation does not appear to be feasible at present.

Let the learned court below consider the prayer for bail of the petitioner, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Mahila P.S. Case No. 21 of 2015 pending in the court of learned Chief Judicial Magistrate, Jamui.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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